IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

CRP.No. 349 of 2007()

AGAINST THE ORDER DATED 06/03/2007 IN EP.567/2005 IN OS.275/1997 of II ADDL.SUB COURT,THRISSUR
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REVN. PETITIONER: RESPONDENT/JUDGMENT DEBTOR/DEFENDANT:

SURESH KUMAR, S/O.KARUMATH JAGADEESAN,
MINALOOR VILLAGE, TALAPPILLY TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: PETITIONER/DECREE HOLDER/PLAINTIFF:

ANANTHAVALLI, W/O. K.S.MITHRAN,
KAZHAPARAMBIL HOUSE, KOTTAPPURAM DESOM, THRISSUR.

BY ADV. SRI.K.A.SREEJITH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 349 OF 2007

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Dated this the 19th day of July, 2007.

O R D E R

This revision petition is preferred against the order of the Subordinate Judge, Thrissur in E.P.567/05. The petition is one for realisation of about Rs.1,96,000/-. The revision petitioner pleaded no means. The Court found that he is having a business besides landed property and also wearing more than one lakh worth gold ornaments and using an Ambassador Car.

2. The revision petitioner in his evidence would contend that his provision shop is a small one and the car belongs to the wife etc. On analyzing the evidence of PW1 and RW1 the Court was inclined to accept the evidence of PW1 and held that he is having sufficient means to pay and refusing to pay the amount and hence ordered arrest. It is that order which is under challenge here.

3. At the time of admission this Court directed to pay Rs.50,000/- but Rs.40,000/- was paid. Now, the learned counsel for the revision petitioner, in all fairness, submits

that his client is willing to pay provided some breathing time is given to him. There is no serious objection for the decree holder but he wants the judgment debtor to pay the amount within a stipulated time. Therefore, I confirm the finding regarding means and dispose of the CRP as follows:

4. The civil revision petitioner is directed to pay the balance amount in four monthly equal installments commencing from 21-8-2007. If there is default of payment of any two consecutive installments the decree holder is at liberty to approach the Court for issuance of warrant and detention in civil prison for the purpose of realisation of the amount.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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